

2012/13 Annual Report

Office of the Police Complaint
Commissioner

British Columbia, Canada





Office of the
Police Complaint Commissioner

British Columbia, Canada

Speaker of the Legislative Assembly
Suite 207
Parliament Buildings
Victoria, BC V8V 1X4

Dear Madam Speaker:

It is my honour to present to you and to the members of the Legislative Assembly the 2012/2013 Annual Report for the Office of the Police Complaint Commissioner.

This report has been prepared in accordance with section 51.1(1) of the *Police Act*, RSBC 1996, c.367.

Yours truly,

Stan T. Lowe
Police Complaint Commissioner

table of contents

Commissioner's Message	1
About the Office of the Police Complaint Commissioner	2
Jurisdiction	5
What is the OPCC?	6
The Complaint Process in British Columbia	8
How it All Works	10
Investigations	12
Alternative Dispute Resolution and Police Complaints.....	14
Recommendations for Improvement to the Complaint Process	15
Complaint Summaries	16
 Appendix A – Statistical Reports	
Introduction	i
Files Opened.....	ii
Allegations Concluded	vii

commissioner's message



Progress & Improvement

This past year has been both challenging and rewarding for the OPCC. The complaint system and the OPCC were the subjects of a statutory audit undertaken by a Special Committee of the Legislature as required by the *Police Act*. The Committee enlisted the services of the Auditor General to conduct the audit, and I am pleased to advise that the results of the audit were very positive.

The encouraging results reflected the collective cooperation amongst many of the stakeholders in support of the 2010 amendments to the *Police Act*. The audit results are also a validation of the exemplary work of our staff in terms of our comprehensive planning and implementation strategy. Our goal was to implement the legislation in a manner which reflected the intent of the legislators, who in turn were strongly influenced by the recommendations of Josiah Wood, Q.C. in his *Report on the Review of the Police Complaint Process in British Columbia* in 2007.

The Special Committee endorsed two recommendations for improvement to the system proposed by the Auditor General. These recommendations relate to the existing systemic delay in the investigation of complaints and formal training in the receipt and handling of complaints. The OPCC has been engaged in addressing these two areas of concern within our jurisdiction as prescribed under the existing legislation.

The expanded use of Alternative Dispute Resolution (ADR) in appropriate cases

continues as a legacy initiative in my appointment as Commissioner. ADR enhances community policing by improving upon the relationship between members of the public and the policing community, one relationship at a time. We continue to sponsor informal resolution training for police, and have undergone an office reorganization which includes staffing with specialized training in ADR.

In terms of the cases referred to retired judges for adjudicative review, we continue to exercise our "gatekeeping" discretion prudently as evidenced by the nature of the decisions and the important precedent value they serve.

The new legislation brought about fundamental change to the complaint process in this province. The changes constitute a strong foundation upon which to build further improvements to the system in terms of transparency and accountability. We have fulfilled our statutory obligation to provide government with our recommendations for legislative changes to address procedural and substantive issues to improve the system.

I am indebted to our staff for their dedication to this office, and proud of their achievement in the Special Committee Audit.

Stan T. Lowe
Police Complaint Commissioner

about the OPCC

The Office of the Police Complaint Commissioner (OPCC) provides impartial civilian oversight of complaints regarding municipal police in British Columbia. We ensure thorough and competent investigations of police complaints and fair adjudication with respect to all parties. We facilitate quality policing and public trust in law enforcement and the complaint process.

The Commissioner and his staff are committed to following these guiding principles:

Fairness:

We act fairly, objectively and impartially in our oversight of the complaint process involving municipal police in British Columbia.

Independent Oversight:

As an independent office we serve the public free from any improper influence or interference.

Principled:

We provide vigilant civilian oversight to enhance transparency and accountability while ensuring a principled approach in arriving at decisions.

Commitment to Excellence:

We strive for excellence in our work while maintaining the highest ethical standards.

OPCC Mandate

The Office of the Police Complaint Commissioner is an independent office of the legislature established under Part 9 of the *Police Act* [RSBC 1996] c.367. The OPCC is mandated to ensure that complaints involving municipal police officers and departments in British Columbia are handled fairly and impartially. The Police Complaint Commissioner is independent from all municipal forces and government ministries and reports directly to the BC Legislative Assembly.

The Police Complaint Commissioner does not have jurisdiction over the handling of complaints against members of the Royal Canadian Mounted Police (RCMP). The RCMP has a federal Commission to handle complaints against their members. Complaints received at the OPCC with respect to RCMP members are forwarded to the Commission for Public Complaints Against the RCMP.

Generally, the Police Complaint Commissioner is responsible for overseeing and monitoring complaints, investigations and the administration of discipline and proceedings under Part 11 of the *Police Act*, and ensuring that the spirit and intent of the *Police Act* is achieved.





The Police Complaint Commissioner is required by the legislation to:

- Establish guidelines to be followed with respect to the receiving and handling of registered complaints as well as non-registered complaints.
- Establish forms to be used for registered complaints, non-registered complaints and mandatory investigations.
- Establish and maintain a record of each complaint and investigation, including all records.
- Compile statistical information in respect of complaint records, including:
 - demographical information, if available
 - number and frequency of complaints, types or classes of complaints, and the outcome or resolution, and
 - any trends in relation to police complaints.
- Report regularly to the public about complaints, complaint dispositions and the complaint process. Such reports must be published at least annually and posted on a publicly accessible website.
- Develop and provide outreach programs and services to inform and educate the public on the police complaint process and the services provided by the OPCC, with special consideration and attention to addressing the particular informational needs of British Columbia's diverse communities.

- Establish and make available to the public a list of support groups and neutral dispute resolution service providers and agencies that may assist complainants with informally resolving or mediating their complaints when appropriate.
- Inform, advise and assist the public, complainants, police officers, discipline authorities, police boards and adjudicators with the complaint process.
- Accept and consider comments from any interested party respecting the administration of the police complaint process.
- Make recommendations for the improvement of the police complaint process in the Annual Report.
- Establish procedures for mediation and guidelines for informal resolutions of Public Trust complaints.

The Police Complaint Commissioner may also do the following:

- Prepare and provide informational reports on any matter related to the functions of the police complaint commissioner.
- Engage in or commission research on any matter relating to the police complaint process.
- Make recommendations to police boards about policies or procedures on factors that gave rise to a complaint.

We are progressing in the right direction, and I'm cautiously optimistic that the policing community at street level will continue to transition towards acceptance of civilian oversight.

There is still much work to be done in terms of improvement to the complaint system. Our corporate goal is to continue to implement changes which will improve the efficiency and effectiveness of the police complaint process.

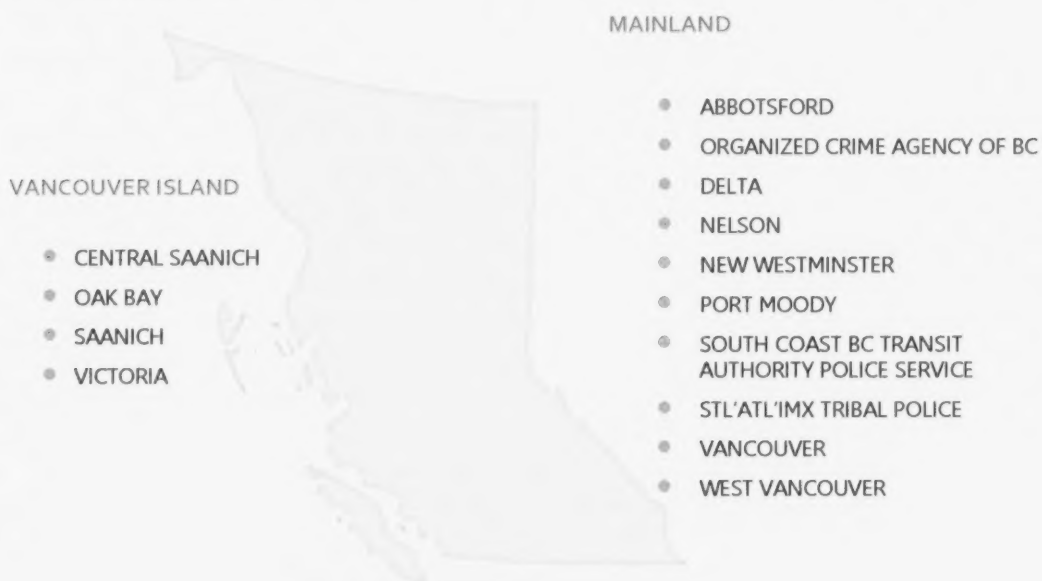
Submissions by Commissioner Stan T. Lowe,
Special Committee to Inquire into the Use of Conducted Energy Weapons
& to Audit Selected Police Complaints, December 3, 2012

- Make recommendations to the Director of Police Services or the Solicitor General that a review or audit be undertaken to assist police in developing training or other programs designed to prevent the reoccurrence of problems revealed by the complaint process.
- Make recommendations to the Director of Police Services to exercise one or more of their legislatively appointed functions in relation to a service or policy complaint.
- Make recommendations to the Solicitor General for a public inquiry under the *Public Inquiry Act* if there are reasonable grounds to believe:
 - the issues in respect of which the inquiry is recommended are so serious or so widespread that a public inquiry is necessary in the public interest;
 - an investigation conducted under Part 11 of the *Police Act*, even if followed by a public hearing or review on the record, would be too limited in scope; and powers granted under the *Public Inquiry Act* are needed.
- Consult with and advise contemporaries in other Canadian jurisdictions or within the Royal Canadian Mounted Police.



jurisdiction of the OPCC

The Office of the Police Complaint Commissioner oversees the handling of complaints against the following police departments:



The *Royal Canadian Mounted Police Act* provides a separate process for complaints regarding a member of the RCMP. If you have a complaint concerning the conduct of an RCMP officer, please contact:

Commission for Public Complaints Against the RCMP
National Intake Office
PO Box 88689
Surrey, BC V3W 0X1
Telephone: (604) 501-4080 or Toll Free at 1 (800) 665-6878
Website: www.cpc-cpp.gc.ca

what is the OPCC?

The Civilian Component

The work of the OPCC is unique in comparison to the other offices of the legislature. We provide oversight over the profession of municipal policing, which in turn holds significant powers over citizens in the enforcement of the law created both federally and provincially.

Not only must we possess a comprehensive understanding of the *Police Act* and associated process, we are also required to go one significant step further as we must possess an expertise in the professional aspects of police operations. This policing expertise includes strategic operations, policy, training and the conduct of all aspects of investigations. In the past, this Office has relied on a significant contribution of retired police officers to fill a void in expertise as it relates to police operations.

Recent Commissions of Inquiry and Review involving police incidents and oversight (Commissioner Davies, Commissioner Braidwood, Ontario Ombudsman André Marin) have echoed a common theme: the importance of the "civilian" participation in the oversight and investigation of police-involved incidents.

The OPCC will always require staff with policing backgrounds to maintain a

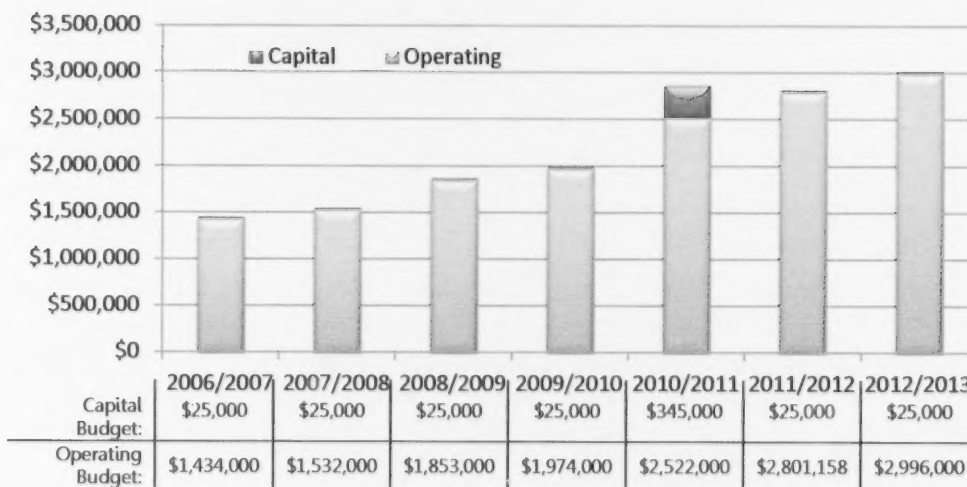
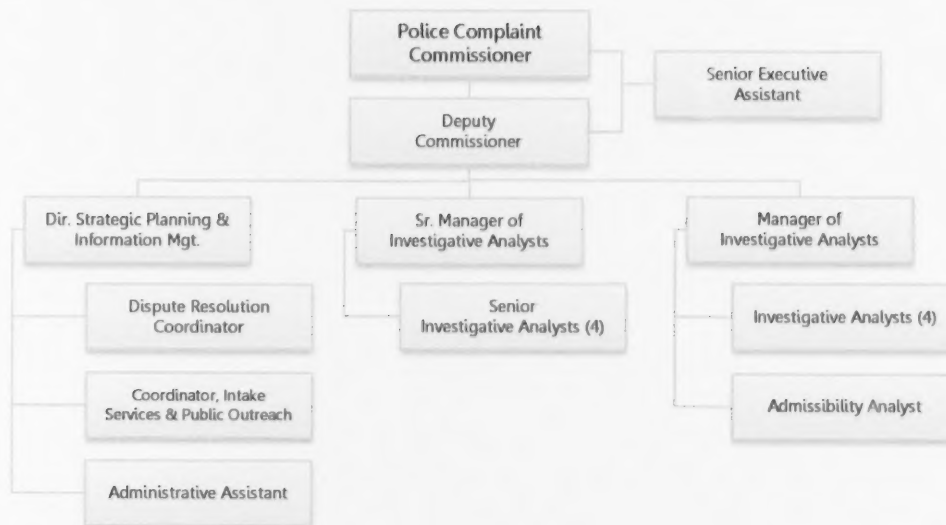
knowledgeable base of expertise for oversight purposes. However, the public interest requires that we engage in a restructuring at the OPCC, targeted at increasing the representation of "civilians" on staff-engaged decisive roles. The expertise of staff with policing backgrounds will play a prominent role in the training of these civilian staff members.

On October 6, 2010, the Select Standing Committee on Finance and Government Services approved contingency funding to assist in the OPCC's restructuring strategy, thereby allowing the OPCC to strengthen its civilian component. The OPCC is now composed of over 50% of civilian employees with no policing background and who are engaged in a decision-making capacity. These civilian employees can assist future Commissioners with their expertise acquired through the intensive in-house training program we recently developed.

It is the OPCC's hope that by maintaining a staffing level comprised of a minimum of 50% civilians, future Commissioners will be able to draw upon the expertise of those people retiring from the policing community to provide a balanced view towards the process, as well as strengthening the public's confidence by ensuring a healthy civilian component to the process.

Our strategy includes long-term, intensive in-house training for all entry-level analysts with civilian backgrounds so they may advance in our organization based on merit, and enjoy long careers in public service.

OPCC Budget Report, November 2012

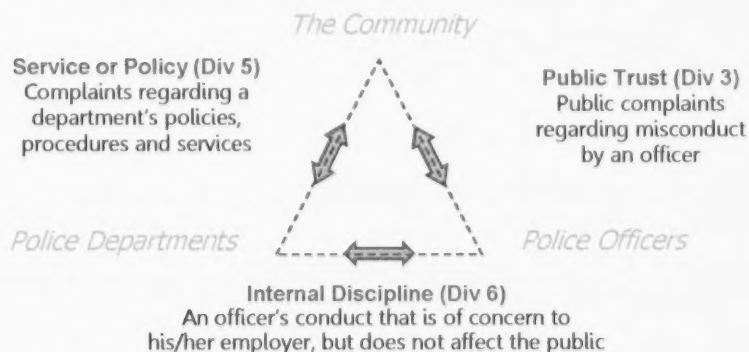


the complaint process in British Columbia

What is a complaint?

There are three types of complaints that are handled under the *Police Act*.

- **Public Trust** complaints are about a police officer's conduct or actions that affect a citizen personally or that he or she has witnessed (Part 11, Division 3 of the *Police Act*);
- **Service or Policy** complaints are those regarding the quality of a police department's service to the community or their operating policies (Part 11, Division 5 of the *Police Act*); and
- **Internal Discipline** complaints involve performance management issues or employer/employee concerns that do not affect members of the public (Part 11, Division 6 of the *Police Act*)



What is considered professional misconduct by an officer?

Division 2 of Part 11 of the *Police Act* sets out the categories of officer misconduct that, if proven, would constitute professional misconduct. The *Act* defines professional misconduct as follows:



"Public Trust Offence" is a conviction for an offence under the *Criminal Code* or of any provincial enactment, which does or is likely to:

- Render a member unfit to perform his or her duties as a police officer; or
- Discredit the reputation of the department with which the officer is employed.

According to section 77(1)(b), any conduct that is considered harassment, coercion or intimidation of anyone making a complaint, or hindering, delaying, obstructing or interfering with a *Police Act* investigation, is conduct that constitutes misconduct.

Any of the conduct set out below constitutes a disciplinary breach of public trust:

Abuse of Authority
Accessory to Misconduct
Corrupt Practice
Damage to Police Property
Damage to Property of Others
Deceit
Discourtesy

Discreditable Conduct
Improper Disclosure of Information
Improper Off-Duty Conduct
Improper Use or Care of Firearm
Misuse of Intoxicants
Neglect of Duty

Corrective and/or Disciplinary Measures:

The *Police Act* also sets out the range of corrective and/or disciplinary measures to be imposed if the misconduct has been proven against the member. The measures must include one or more of the following:

Advice as to future conduct
Verbal reprimand
Written reprimand
Participate in program/activity
Undertake counselling or treatment
Undertake training or re-training

Work under close supervision
Transfer/reassignment
Suspension without pay (up to 30 days)
Reduction in rank
Dismissal

how it all works

The complaint process may be initiated by three different routes:

Ordered Investigations
(May be at the request of the
department or by the
Commissioner's own initiative)



Mandatory External
Investigations
(As a result of serious injury or
death while in the care or custody
of the police)

Registered Complaints
(Formal complaints submitted by
members of the public)

An ordered investigation results when information of potential professional misconduct is received; however, there is no complaint submitted by the individual involved. Between the April 1, 2012, and March 31, 2013, there have been **50** Ordered Investigations (34 at the request of the department and 16 on the Commissioner's initiative as a result of information received).

The *Police Act* stipulates that all incidents that result in serious injury or death to individuals in the custody or care of the police, or as a result of operations of a department, must be reported to the OPCC and the Commissioner must order an investigation be conducted by an external agency. Between April 1, 2012, and March 31, 2013, there have been **5** Mandatory External Investigations ordered.

By far the most common method of initiating the complaint process is through complaints received from members of the public. A citizen may submit a complaint regarding an incident in which they were directly involved or witnessed. Between April 1, 2012, and March 31, 2013, there have been **578** registered complaints received.

Our experience has shown that there are a large number of complaints that are better suited to informal resolution or mediation than undergoing an extensive investigation and having a third party deliver a decision. By directly participating in the solution to the dispute, the majority of complainants and members come away from the process with a more meaningful and positive level of satisfaction.

OPCC Service Plan, November 2012

Admissibility Reviews

Since the revisions to the legislation in 2010, all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 (Public Trust) of the *Police Act*.

In order for a complaint to be deemed admissible, it must:

- Contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- Be filed within one year of when it occurred; and
- Not be frivolous or vexatious.

Once a complaint has been deemed admissible, it is forwarded to the Professional Standards Section of the originating police department for investigation.

Informal Resolution or Mediation



Depending on the particular circumstances of the complaint, the matter may be suitable for informal resolution. A complaint can only be informally resolved if both the member and the complainant agree to engage in the process, and ultimately, agree to the proposed resolution in writing. The resolution is confidential and becomes final and binding once it is reviewed and confirmed by the Police Complaint Commissioner.

A complaint may also be suitable for a resolution through the assistance of a professional mediator. Before a file can proceed to mediation, the Commissioner must first approve it to ensure the circumstances are appropriate for mediation. Mediations are completely confidential and agreements reached are final and binding.

Discontinuations

A complaint that has been deemed admissible may be discontinued if, after further information is obtained, it is established that:

- Further investigation is neither necessary nor reasonably practicable;
- The complaint is frivolous or vexatious; or
- The complaint was made knowing it was false or misleading.

investigations

Investigations into allegations are initiated by a Professional Standards Investigator within the police department. Investigations into complaints are to be completed within six months and both the complainant and subject member receive regular progress reports on the investigation. An OPCC analyst is assigned to the file and contemporaneously monitors the investigation to ensure it is conducted professionally and addresses the concerns raised.

Once the investigation is complete, the investigator submits a *Final Investigation Report* to the discipline authority of the police department for a decision. A discipline authority is the Chief Constable of the department, or a senior officer designated by the Chief Constable. Within 10 business days of receipt of the report, the discipline authority must provide his or her decision to the complainant, the member and to the OPCC. The decision must set out whether the evidence appears to substantiate the allegation of misconduct, and if so, advise on the range of proposed discipline or corrective measures. A prehearing conference may be held, allowing the member the opportunity to admit the misconduct and accept the proposed discipline or corrective measures. If no agreement is reached or a prehearing conference is not held, the matter then proceeds to a discipline proceeding before the discipline authority.

Our office actively engages in providing oversight advice in terms of investigative strategy and investigative steps. I can tell you that no civilian oversight agency in Canada enjoys this degree of involvement in the conduct of investigations. Not even Crown counsel can direct investigative steps.

This collaborative approach has resulted in a significant improvement in the thoroughness and quality of police complaint investigations.

Submissions by Commissioner Stan T. Lowe,
Special Committee to Inquire into the Use of Conducted Energy Weapons
& to Audit Selected Police Complaints, December 3, 2012

... & reviews of decisions

The complainant may request a review of the file if they disagree with the discipline authority's decision not to substantiate an allegation or if they disagree with the results of a discipline proceeding. A member may also request a review if he or she disagrees with the outcome of a discipline proceeding. Also, if the penalty imposed is dismissal or a reduction in rank, the member is entitled to a public hearing or, if the Commissioner deems it more appropriate, a review on the record.

The OPCC reviews **ALL** investigations and decisions to ensure the integrity of the process and to confirm that decisions are impartial and fair. If the Commissioner disagrees with a decision, he has three avenues of adjudicative review to choose from, depending on the unique circumstances of the matter. The Commissioner may:

appoint a new
discipline
authority
(s.117)

Appoint a retired judge to review the *Final Investigation Report* and arrive at a decision as to whether the allegation is substantiated by the evidence. If the finding is substantiated, the retired judge then takes on the role of discipline authority for the continuation of the process. If the retired judge's finding is that the allegation is not substantiated, the matter is final and conclusive;

arrange a review
on the record
(s.141)

Arrange for a review on the record, following a discipline proceeding. A retired judge is appointed to conduct a "paper review" of the entire matter and deliver a decision and, if substantiated, the corrective and/or disciplinary measures to be imposed. A retired judge's decision following a review on the record is final and conclusive and may only be appealed on an issue of law;

order a
public hearing
(s.143)

Arrange for a public hearing, following a discipline proceeding. A retired judge is appointed to sit as the adjudicator and review the evidence, hear sworn testimony and arrive at a decision. These hearings are open to the public and an adjudicator's decision is final and conclusive and may only be appealed on an issue of law.

All adjudicative decisions are
available on the OPCC
website at www.opcc.bc.ca.

alternative dispute resolutions & police complaints

Our experience has shown that there are a large number of complaints that are better suited to informal resolution or mediation as opposed to undergoing an extensive investigation and having a third party deliver a decision. By directly participating in generating understanding and finding solutions to a conflict, the majority of complainants and members come away from the process with a more meaningful level of satisfaction. The new legislation has enhanced provisions for informally resolving or mediating *Police Act* complaints and the OPCC has encouraged complainants and police to take full advantage of these options, while ensuring the public interest is met.

Following every complaint that is resolved informally, in addition to reviewing the agreement reached and ensuring it meets the public interest and is appropriate for the circumstances, the OPCC Dispute Resolution Coordinator contacts the complainant to ensure he or she is satisfied with the process. On the whole, the responses have been positive. The OPCC is currently developing a formal participant survey to better quantify the level of satisfaction with the process.

In partnership with the Mediate BC Society, the OPCC has developed a conflict resolution training syllabus specifically designed for Professional Standards investigators and frontline members. These training sessions are structured on a cost-recovery basis and as of the date of this

report, we have facilitated four sessions, all of which were well attended. The participant feedback has been overwhelmingly positive. We continue to revise and improve the course content to meet the specific demands of resolving police complaints.

In addition, with the support and assistance of the Delta Police Department and the Vancouver Police Department's Training Section, the OPCC has produced a training video to explain the process and benefits of informal resolution and mediation. This video is currently being distributed to all municipal departments for use as a training aid, in addition to being incorporated into the above-mentioned conflict resolution training sessions.

The OPCC will continue to promote and encourage the use of alternative dispute resolution by assisting Professional Standards investigators wherever possible and providing guidance to complainants through the process.

The number of successfully resolved police misconduct allegations has increased over 57% since the implementation of the new legislation in April 2010. During fiscal year 2012/2013, **21%** of all allegations concluded were informally resolved. It is projected that with continued alternative dispute resolution promotion and training by our office, this number will continue to increase. Our goal is to lead the country in the alternative dispute resolution of police complaints and ultimately resolve 50% of all allegations of misconduct by this method.

recommendations for improvement of the complaint process

Pursuant to section 177(2) (l) of the *Police Act*, the Police Complaint Commissioner must make any recommendations for improvement of the complaint process in the Annual Report.

Over the past two years, our office has worked in consultation with government regarding legislative amendments to the *Act* to improve the process. The most notable recommendations are as follows:

- Clearly establishing in the legislation the Commissioner's plenary power to arrange a public hearing.
- Revisions to the s. 117 review process to avoid the bifurcation of proceedings in cases where there are multiple allegations.
- Affording a discipline authority the discretion to call material witnesses to testify in a discipline proceeding, with a commensurate expansion of the role of a Discipline Representative.
- Increasing the Commissioner's powers in terms of promoting and expanding the use of alternative dispute resolution to resolve appropriate complaints.
- Improving the *Act* in terms of establishing time limits in the complaint process.
- Revising the role of public hearing counsel to avoid redundancy and hearing costs

complaint summaries

The following complaint summaries are intended to provide samples of the variety of complaints that were concluded between April 1, 2012, and March 31, 2013. All substantiated complaints resulting in corrective or disciplinary measures are recorded on the officer's Service Record of Discipline. The summaries below were reviewed and confirmed by the OPCC.

Registered Complaint - Inadmissible OPCC 2012-7836

The Office of the Police Complaint Commissioner received a registered complaint outlining concerns related to the conduct of a member of the Combined Forces Special Enforcement Unit (CFSEU) BC Uniform Team.

When reviewing a complaint to determine whether it is admissible under Division 3 – Process Respecting Alleged Misconduct, the Office of the Police Complaint Commissioner may contact the police agency involved or the complainant to obtain further information.

As the CFSEU is an integrated team of municipal police officers and members of the Royal Canadian Mounted Police (RCMP), the Office of the Police Complaint Commissioner requested the Professional Standards officer for the CFSEU take steps to identify the subject member. It was subsequently determined that the subject member in this complaint was a member of the RCMP. This complaint was therefore made inadmissible as there was no alleged misconduct by a member of a municipal police department.

The complainant received a *Notice of Inadmissibility* which included the contact information of the appropriate agency to pursue the complaint.

The file was then closed as the OPCC held no jurisdiction.

Registered Complaint - Discontinued OPCC 2012-7836

This complaint was an oral complaint made directly to the police department. The complainant reported that three police officers placed him under arrest, drove to a side street, and proceeded to punch and kick him in the face.

The Office of the Police Complaint Commissioner determined that the complaint was admissible pursuant to Division 3 of the *Police Act* and forwarded it on for investigation.

After a preliminary investigation was conducted, the Office of the Police Complaint Commissioner received a request from the Professional Standards investigator to discontinue the investigation on the basis that the complainant appeared to have submitted his complaint with the knowledge that it was false or misleading.



The Office of the Police Complaint Commissioner conducted a review of the request and the associated materials. The information gathered to date suggested that the incident had not occurred as the complainant reported. Police records confirmed that the complainant had been arrested for a brief period on the night in question, but was released when it was verified that he was not under conditions as originally believed. GPS data obtained from the members' cars indicated that they were stopped at a major intersection for approximately 13 minutes. The time of this stop corresponded to the time that the complainant was detained. However, the GPS data suggested that the cars did not subsequently travel down a side street as the complainant suggested. In a statement provided to the Professional Standards investigator, one of the respondent members reported that on the night in question the complainant had threatened to report they had assaulted him if they did not give him a ride downtown. Contemporaneous notes taken on the night in question by a reserve constable confirmed this information. The Professional Standards investigator made several attempts to obtain further information from the complainant. The complainant eventually agreed to provide a statement but did not attend the scheduled meeting.

Based on the information reviewed, the Office of the Police Complaint Commissioner was satisfied that the investigation should be discontinued and issued a *Notice of Discontinuation*.

Registered Complaint - Substantiated OPCC 2010-5952

The complainant was issued a by-law ticket for living in a camper parked on a city street. The complainant was concerned with the conduct of the two members who issued him the ticket and made a non-registered complaint in the form of a letter to the Chief Constable.

A few days later, these same two members returned to the complainant's camper. The complainant was outside speaking with an acquaintance when the two members drove up. The complainant recognized them and attempted to return to his camper. The first member took the complainant to the ground and, with the assistance of the second member, placed him in handcuffs. The complainant suffered a panic attack and was taken to the hospital. Once at the hospital, the members served the complainant with two by-law tickets – one for "fighting in public" and another for "unlawfully using a house car as living quarters on city streets". The members then removed the handcuffs and left. A few hours later, while the complainant was still at the hospital, the members returned to the complainant's camper and issued another by-law ticket for "unlawfully using a house car as living quarters on city streets". The complainant filed a registered complaint with the Office of the Police Complaint Commissioner as he believed he had been unlawfully arrested and the two members were engaged in a pattern of unreasonable and vindictive enforcement.



The Office of the Police Complaint Commissioner determined that the complaint was admissible pursuant to Division 3 of the *Police Act* and forwarded it on for investigation.

The Professional Standards investigator conducted a number of investigative steps which included interviewing the complainant, respondent members, and civilian witnesses. During the course of the investigation, the investigator was informed that the respondent members had interviewed a key witness in the *Police Act* investigation. The interview of the witness became a part of the investigation and was added as potential misconduct.

At the conclusion of the investigation, the Professional Standards investigator forwarded a copy of the Final Investigation Report to the discipline authority. The discipline authority determined that the evidence substantiated a finding of two counts of Abuse of Authority and one count of Discreditable Conduct against the first member and one count of Abuse of Authority and one count of Discreditable Conduct against the second member. Both members were offered a prehearing conference.

At the prehearing conference, the first member accepted the following disciplinary and/or corrective measures:

In relation to the finding that the member issued oppressive violation tickets, the member accepted a written reprimand and training with regards to police ethics and

mental health awareness. (Abuse of Authority)

In relation to the finding that the member made an arrest without good or sufficient cause, and used unnecessary force during the course of that arrest, the member accepted a verbal reprimand and training in relation to powers of arrest. (Abuse of Authority)

In relation to the finding that the member acted in a manner that would be likely to bring discredit on the police department by conducting an interview of a witness in a *Police Act* investigation in which he was the member under investigation, the member accepted a one-day suspension without pay. (Discreditable Conduct)

At the prehearing conference, the second member accepted the following disciplinary and/or corrective measures:

In relation to the finding that the member issued oppressive violation tickets, the member accepted a written reprimand and training with regards to police ethics and mental health awareness. (Abuse of Authority)

In relation to the finding that the member acted in a manner that would be likely to bring discredit upon the police department by conducting an interview of a witness in a *Police Act* investigation in which he was the member under investigation, the member accepted a one-day suspension without pay. (Discreditable Conduct)

The Office of the Police Complaint Commissioner conducted a review of all of the relevant material and agreed with the discipline authority's decision to substantiate the allegations, and with the disciplinary and/or corrective measures imposed. Therefore, the Office of the Police Complaint Commissioner approved the agreement reached at the prehearing conference and the resolution is final and binding.

Registered Complaint – Not
Substantiated
OPCC 2012-7501

The complainant was the subject of a traffic stop and an impaired driving investigation. The complainant exited his vehicle to meet the police member on "common ground." The member requested the complainant return to his vehicle but he refused. The member requested the complainant submit to a breathalyser test and again the complainant refused. The complainant states the member then closed the distance and delivered a palm heel strike to the complainant's left ear. The member needed the assistance of other police members to take the complainant into custody. The complainant admitted that he was intoxicated at the time and not making good decisions, however, it was the complainant's belief that the member was unable to cope with his refusal and resorted to violence instead of communication and so filed a registered complaint with the Office of the Police Complaint Commissioner.

The Office of the Police Complaint Commissioner determined that the complaint was admissible pursuant to Division 3 of the *Police Act* and forwarded it on for investigation.

Based on the Final Investigation Report, the discipline authority determined, in part, that the stop and check of the complainant was the result of a report of a possible impaired driver. The member detected the smell of liquor from the complainant and therefore began an impaired driving investigation. The complainant acted in an aggressive manner thus creating an officer safety situation. The member used a reasonable level of force under the circumstances to attempt to bring the complainant under control. The discipline authority concluded the matter as unsubstantiated.

The complainant was provided with a copy of the Final Investigation Report and the discipline authority's decision and advised that if he was not satisfied with the decision he could file a written request with the Police Complaint Commissioner for the appointment of a retired judge to review the file. The Office of the Police Complaint Commissioner did not receive a request from the complainant; however, it is the policy of our office to review the disposition of all *Police Act* complaints in order to ensure the integrity of the complaint process.

The Office of the Police Complaint Commissioner reviewed the Final Investigation Report and found it to be a complete and thorough investigation. The



Professional Standards investigator conducted an investigation that included, but was not limited to: interviewing both the complainant and the involved member; receiving evidence from several civilian witnesses and witness officers; and, reviewing dispatch audio, radio transmissions, and jail video.

The Office of the Police Complaint Commissioner's review determined that the civilian witnesses corroborated the respondent member's version of the incident. The civilian witnesses were consistent in their view that the complainant was the aggressor, that he came out of his car and confronted the officer, and that he initiated the assault on the officer with a punch. One of the civilian witnesses even intervened in the struggle between the officer and the complainant and helped facilitate his arrest.

The passenger in the complainant's vehicle was interviewed and advised the investigator that he purposefully did not watch the incident involving his friend unfold, and he could only speak to the context of the matter.

The complainant admitted that he had consumed 6-8 beers, and that it likely had an impact on his reliability in terms of his recollection of the incident.

The Office of the Police Complaint Commissioner determined that there was not a basis to appoint a retired judge to review this matter, and issued a Conclusion of Proceedings.

Registered Complaint - Substantiated OPCC 2010-5736

The complainant originally reported his concerns to the police board. He then contacted the Office of the Police Complaint Commissioner by way of telephone and reported that a police member who had attended his residence in relation to a domestic call had provided his common-law wife with a business card containing his email address and personal cell phone number. The complainant claimed the member then pursued a sexual relationship with his common-law wife and had sex with her while on duty and in uniform at locations that included the complainant's residence and a secure police facility.

The Office of the Police Complaint Commissioner deemed the complaint to be admissible and forwarded it on for investigation.

The member was initially suspended with pay but the police board subsequently suspended the member without pay.

The Professional Standards section of the member's department conducted the investigation into this matter; however, the member's Chief Constable delegated his role as discipline authority in this matter to an external discipline authority.

The external discipline authority rejected the investigator's Final Investigation Report for the purpose of obtaining an expert opinion prior to making a decision in this matter. Upon receipt of the expert's



opinion, the investigator forwarded the supplementary report to the external discipline authority.

After reviewing the Final Investigation Report, the external discipline authority determined that the evidence appeared to substantiate a finding of three counts of Corrupt Practice, three counts of Discreditable Conduct and one count of Neglect of Duty. A prehearing conference was not offered to the member and a discipline proceeding was convened.

The complainant's common-law wife requested to be added as a complainant and the Office of the Police Complaint Commissioner agreed, granting her all the rights and privileges afforded a complainant under the *Police Act*.

At the conclusion of the discipline hearing, the external discipline authority imposed the following disciplinary and/or corrective measures:

In relation to the finding that the member accessed police databases to query the complainant's common-law wife's name, the disciplinary measure of a written reprimand was imposed. (Corrupt Practice)

In relation to the finding that the member accessed police databases to query the complainant's name, the disciplinary measure of a written reprimand was imposed. (Corrupt Practice)

In relation to the finding that the member used a policing facility, while on duty, for a purpose unrelated to his duties, the

penalty of an unpaid suspension from duty for a period of thirty days was imposed. (Corrupt Practice)

In relation to the finding that the member, while on duty, engaged in sexual relations at a policing facility, the penalty of dismissal was imposed. (Discreditable Conduct)

In relation to the finding that the member, while on duty, engaged in sexual relations at a private residence, the penalty of dismissal was imposed. (Discreditable Conduct)

In relation to the finding that, while on duty, the member failed to respond promptly to a police call due to the fact that he was engaged in sexual relations at a private residence, the disciplinary measure of one reduction in rank for the period of one year was imposed. (Neglect of Duty)

The member was advised that if he was aggrieved by the disposition of his case, he could request the Police Complaint Commissioner order a Review on the Record or a Public Hearing.

Section 133(6) of the *Police Act* states that corrective and/or disciplinary measures issued at a Discipline Proceeding are final and conclusive unless the Police Complaint Commissioner does not agree and arranges either a Review on the Record or a Public Hearing.

The Office of the Police Complaint Commissioner received an application for a

Review on the Record from the member's legal counsel. The application stated that if for any reason the Police Complaint Commissioner concluded that a review on the record was not available, that the member did not wish to request a public hearing.

The Police Complaint Commissioner determined that a review on the record was not an appropriate adjudicative avenue and deemed this matter concluded.

Service or Policy OPCC 2012-8049-01

The Office of the Police Complaint Commissioner received a letter of complaint outlining concerns related to the way police members responded to a report of an assault. The letter further articulated concerns that the police department was providing a different level of service when faced with the same set of circumstances, as compared to other areas within the municipality.

The Office of the Police Complaint Commissioner reviewed the letter and determined it was both a misconduct complaint and a service or policy complaint. OPCC 2012-8049-01 was opened to address the service or policy component of the complaint.

Service or policy complaints are the responsibility of the department's police board. The police board requested that the Chief Constable conduct an investigation and prepare a report for the board's consideration.

The report articulated the following:

- Statistical analysis of identified area's calls for service and response times demonstrated that the department generally provided the same level of policing services as compared to other areas in the district. In fact, overall, police responded slightly faster, on average, to all priority one through priority four calls.
- As for Level 1 Assault investigations, an examination of all assault files for 2012 that involved the same set of circumstances confirmed that Level 1 Assaults are dealt with by the investigating patrol officer and are not referred to a specialized investigator. Police responded and dealt with the assault in question as they would for any similar incident in the municipality.

The board determined that the area in question was being provided with the same level and quality of police services as other areas in the district. As such, the board dismissed the complaint.

The complainant was advised of his right to request a review of the matter by the Office of the Police Complaint Commissioner if he disagreed with the decision. Although no review request was received, the Office of the Police Complaint Commissioner carefully examined the report and the



board's decision, and was satisfied with the outcome and did not make any recommendations for further investigation, study, courses of action or changes to service or policy respecting this particular matter. Accordingly, the file was closed.

The department regretted the distress created by the incident that precipitated this service or policy complaint and took steps to be responsive to the concerns raised regarding the specific criminal investigation. The department has continued to communicate with the area's representatives since the incident in question and remains committed to continuing a positive relationship.

Service or Policy OPCC 2012-7154

The complainant made a service or policy complaint regarding the collection, storage, and use of personal information in PRIME-BC (the Police Records Information Management Environment of BC). The complainant's concern was specific with regard to information collected during a "street check". It was the complainant's position that information collected during "street checks" had a negative impact on individuals, particularly if a police records check was requested.

The complainant requested that the department ensure that there was a formal protocol for individuals to ensure personal information in PRIME-BC was accurate and to request a correction if it was found to be inaccurate; and, put written policies into place to ensure all personal information in

PRIME-BC were recorded in such a way as to accurately reflect the nature of an individual's contact with the police.

Service or policy complaints are the responsibility of the department's police board. The police board requested that the Chief Constable conduct an investigation and prepare a report for the board's consideration.

The report to the board included the following:

- An individual's involvement in a police report is assigned a role code such as "witness", "suspect", "charged", and "street check". There are 43 different role codes that can be utilized to describe an individual's involvement in an event, and these standardized definitions are defined in the PRIME-BC Records Management System Reference Manual, and the department's use of PRIME-BC is governed by policies and procedures that provide consistent use of this provincially shared information system.
- Street check information is not released in a police record check. Only role codes that are accusatory in nature such as suspect, suspect chargeable or accused are released. Further, the results of a police record check are almost always released to the applicant directly (unless the information is deemed to put a



vulnerable sector at high risk, in which case legislation requires the release of that information to the responsible agency).

- Further, the British Columbia Office of the Information and Privacy Commissioner provides independent oversight and enforcement of the *Freedom of Information and Protection of Privacy Act*. One of the purposes of the Act is to give individuals a right of access to, and a right to request corrections of, personal information about themselves. If an applicant is not satisfied with a police department's administration of a freedom of information request, section 2 of the *Freedom of Information and Protection of Privacy Act* grants citizens the right to request information; and section 29 gives the citizen the right to request correction of personal information held by a public body. Under section 42(2), the BC Information and Privacy Commissioner may investigate and attempt to resolve complaints; this may include correction of personal information.

Based on this information, the board dismissed the complaint.

The complainant was advised of his right to request a review of the matter by the Office of the Police Complaint Commissioner if he disagreed with the decision. Although no

review request was received, the Office of the Police Complaint Commissioner carefully examined the report, and the board's decision, and was satisfied with the outcome and did not make any recommendations for further investigation, study, courses of action or changes to service or policy respecting this particular matter. Accordingly, the file was closed.

Reportable Injury/Mandatory External Investigation OPCC 2011-6811

Pursuant to section 89 of the *Police Act*, this matter was originally forwarded to the Office of the Police Complaint Commissioner as a Reportable Injury Notification. The circumstances reported were that a male was upset that he could not meet with his probation officer and began causing a disturbance. Probation office staff called 911 and requested police assistance. When the male learned that police had been called, he pulled a fire alarm and fled from the building. The male was located a short distance away by police. During his arrest, the male was pinned against a wall by a police vehicle and he sustained a broken left tibia.

The Office of the Police Complaint Commissioner determined the injuries sustained by the complainant met the definition of 'serious harm' under section 89 of the *Police Act* and issued a Notice of Mandatory External Investigation.

After reviewing the Final Investigation Report, the discipline authority determined that the evidence appeared to substantiate

a finding of one count of Abuse of Authority and offered the member a prehearing conference.

At the prehearing conference, the member accepted the following disciplinary and/or corrective measures:

In relation to the finding that the member demonstrated oppressive conduct and recklessly used unnecessary force upon a member of the public, to wit: by using his police vehicle to pin the subject male against a wall and thereby causing a fracture to his leg, the member accepted a written reprimand. (Abuse of Authority)

After reviewing the Final Investigation Report and considering all the relevant factors in this case, it was the Office of the Police Complaint Commissioner's view that the discipline authority's decision to substantiate the allegation and the disciplinary measures imposed at the prehearing conference were both correct and appropriate with respect to the circumstances.

Therefore, the agreement reached at the prehearing conference was approved and the resolution was final and binding.

Reportable Injury/PCC Ordered
Investigation
2012-7429

Pursuant to section 89 of the *Police Act*, this matter was originally forwarded to the Office of the Police Complaint Commissioner as a Reportable Injury

Notification. The circumstances reported were that police had received a complaint from a member of the public that his vehicle had been stolen. A few moments later, a police member, driving an unmarked police vehicle, observed a vehicle he believed to be the one reported stolen travelling southbound towards him. As the vehicle approached, the member noted that the license plate matched. He then turned his car into oncoming traffic and struck the vehicle on the front driver's side wheel, causing it to stop. The member immediately arrested the suspect, who was seated in the passenger seat. When EHS attended the scene and asked the male suspect if he was injured, he stated that his neck was sore to the touch. EHS transported him to the hospital for precautionary reasons and he was later released with the only complaint being soft tissue damage.

After reviewing the information received in the notification and the department's policy on ramming, the Office of the Police Complaint Commissioner determined that the member's conduct may have contravened his department's ramming policy and may have been unnecessary in the circumstances, and issued an Order for External Investigation.

After reviewing the Final Investigation Report, the external discipline authority determined that the evidence appeared to substantiate a finding of one count of Abuse of Authority and offered the member a prehearing conference.



At the prehearing conference, the member accepted the following disciplinary and/or corrective measures:

In relation to the finding that the member used unnecessary force by intentionally steering his police vehicle into, and colliding with, a moving stolen vehicle the member accepted a verbal reprimand. (Abuse of Authority)

Furthermore, the external investigator recognized that, at the time of the incident, the member did not appear to have a full understanding of his department's policy relating to ramming. The external discipline authority recommended that the member's department take steps to include ramming in the boxing and pinning training syllabus.

After reviewing all the relevant documents related to this matter, it was the Office of the Police Complaint Commissioner's view that the external discipline authority's decision to substantiate the allegation and the disciplinary measure imposed at the prehearing conference was both correct and appropriate with respect to the circumstances.

Therefore, the agreement reached at the prehearing conference was approved and the resolution is final and binding.

Reportable Injury
OPCC 2012-7777

Pursuant to section 89 of the *Police Act*, this matter was reported to the Office of the Police Complaint Commissioner as a Reportable Injury Notification. The

circumstances reported were that a male had driven his vehicle onto the lawn of a fire hall and came to a stop at the front of the fire hall. On-duty fire fighters and witnesses attempted to convince the male to take the keys out the ignition and exit the vehicle. Instead, the male slammed the vehicle door shut, rolled up all of the windows, and began to slam his fists and head against the glass. Witnesses noticed that the male's hands and head were bleeding. Police arrived on scene and ordered the male to exit the vehicle. The male's behaviour escalated and the police members smashed the vehicle's windows to gain entry to prevent the male from driving any further. As the police members attempted to enter the vehicle, the male grabbed a golf club from the back seat. At this point the Conducted Energy Weapon (Taser) was deployed which allowed the members to gain control of the male and remove him from the vehicle. An ambulance attended the scene and the male was taken to the hospital for a mental health assessment and treatment for the cuts and bruises he sustained from hitting the windows. The male admitted he was off his medication and was subsequently admitted to a treatment facility.

Based on a review of the relevant police information, the Office of the Police Complaint Commissioner determined it was not necessary to order an investigation as the male's injuries were self-inflicted and not as a result of his interaction with police.



Order for Investigation (Request by Department)
OPCC 2011-6447

The police department received information that one of its members may have been using illegal narcotics while off-duty and requested the Police Complaint Commissioner order an investigation into the matter.

During the course of the *Police Act* investigation, the member resigned from the department and subsequently indicated that he wanted no further involvement in the *Police Act* process.

The Professional Standards section of the member's department conducted the investigation into this matter.

After reviewing the Final Investigation Report, the discipline authority substantiated two counts of Discreditable Conduct and one count of Corrupt Practice against the member and ordered a disciplinary proceeding to be convened.

The member elected to not participate in the discipline proceedings. At the conclusion of the discipline proceedings, the discipline authority imposed the following disciplinary and/or corrective measures:

In relation to the finding that the member knowingly associated with a known criminal while off-duty, the discipline measure of dismissal was imposed. (Discreditable Conduct)

In relation to the finding that the member possessed and used cocaine while off-duty, the discipline measure of dismissal was imposed. (Discreditable Conduct)

In relation to the finding that the member agreed or allowed himself to be in debt to the known criminal as a result of purchasing illegal controlled substances and for failure to pay an outstanding bar tab, the discipline measure of dismissal was imposed. (Corrupt Practice)

The member was advised that if he was aggrieved by the disposition of his case he could request the Police Complaint Commissioner order a Review on the Record or a Public Hearing. The former member made no such request.

Notwithstanding the above, the Police Complaint Commissioner must arrange a public hearing or review on the record if he considers that there is a reasonable basis to believe that the discipline authority's findings were incorrect, the proposed disciplinary or corrective measures were incorrect, or if the Police Complaint Commissioner otherwise considers that a public hearing or review on the record is necessary in the public interest.

Having had the opportunity to review the results of the discipline proceeding and the evidence upon which the decision was based, the Police Complaint Commissioner was satisfied that a Public Hearing or Review on the Record was neither required nor necessary in the public interest. Therefore, the corrective and/or disciplinary measures issued at the



Discipline Proceeding are final and conclusive. The file was closed.

Order for Investigation (Request by Department)
OPCC 2013-8266

A police agency received information from a citizen that a member from another department had assaulted and threatened a female. A criminal investigation was launched and the Chief Constable of the member's department was informed. The member was suspended from duty, with pay, pending the results of the criminal investigation.

The Chief Constable of the member's department requested the Police Complaint Commissioner issue an Order for Investigation. The Chief Constable directed that the *Police Act* investigation be conducted by an external police department, separate from the department conducting the criminal investigation, and delegated his powers and duties as discipline authority to that department.

The external investigator was provided a copy of the criminal investigation. The external investigator requested to discontinue the investigation on the basis that the complaint appeared to be false or misleading and that the female was now facing public mischief charges.

The Office of the Police Complaint Commissioner reviewed the criminal investigation, including the Report to Crown Counsel, and all interviews of the female and the member. There existed no

evidence that the member did anything improper in respect of the female. There existed significant evidence that the female was having a discussion or fight with the person who made the original complaint and for reasons unknown concocted allegations she knew were false and misleading.

Further, the member was not in the country during key alleged dates and the female's version of events changed during subsequent interviews and telephone calls, except for her last where she indicated to the criminal investigator that she had lied about "almost everything".

The Office of the Police Complaint Commissioner granted the request for a discontinuance having determined that the statutory requirements for a discontinuation had been strongly met and were appropriate given the totality of the circumstances.

Internal Discipline
2011-7040

An incident was brought to the attention of the police department regarding the conduct of a member attending the Justice Institute of British Columbia. It was reported that the member received a failing mark on a presentation. Upon receiving the failing mark, the member became agitated and repeatedly swore out loud in front of all his classmates and the instructor. When the instructor offered to discuss the matter privately later in the day, the member again made inappropriate remarks. Pursuant to Division 6 of the *Police Act*, an internal

discipline investigation was initiated and the Office of the Police Complaint Commissioner was notified.

Upon receipt of the Final Investigation Report, the discipline authority determined that the evidence appeared to substantiate a finding of one count of Discreditable Conduct and imposed the following disciplinary and/or corrective measures: In relation to the finding that the member conducted himself in a discreditable manner, the

member received advice to future conduct and an extension of his probationary period from 18 months from his date of hire to 30 months from his date of hire.

The Office of the Police Complaint Commissioner reviewed the investigation and noted there were no public trust issues to be addressed and closed the file.



Appendix A

Statistical Reports



introduction

A Brief Explanation:

When a complaint is received at the OPCC, a file is opened and assigned to an analyst. All complaints are reviewed by an admissibility analyst to determine whether they are admissible pursuant to the *Police Act*, and if so, complaints are then broken down into their individual allegations. An admissible complaint file often contains more than one allegation, involving one or more officers.

The following is an example of how one complaint file can result in multiple allegations and results:

A Complainant states that three officers entered his residence without a warrant and two officers used excessive force in order to handcuff him. The Complainant further states one officer unlawfully seized property that was subsequently lost.

The admissibility analyst would review the complaint and break it down into its individual components or "allegations". The above complaint would likely be broken down into the following allegations of misconduct as defined by the *Police Act*:

Abuse of Authority (unlawful entry) – involving three members.

Abuse of Authority (excessive force) – involving two members

Abuse of Authority (unlawful seizure of property) – involving one member

Neglect of Duty (improper care and handling of seized property) – involving one member

Following the investigation, the discipline authority may determine that none, some or all the allegations of misconduct have been proven against none, some or all of the officers. Continuing with the example above, the decision may be:

Abuse of Authority (unlawful entry) – Substantiated against officers #1, #2 and #3

Abuse of Authority (excessive force) – Substantiated against officer #2

Abuse of Authority (unlawful seizure of property) – Not substantiated

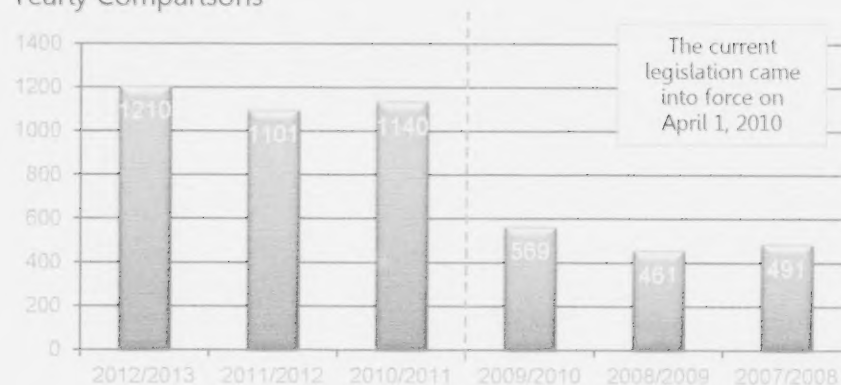
Neglect of Duty (improper care and handling of seized property) – Not substantiated

Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data

files opened

(between April 1, 2012, and March 31, 2013)

Yearly Comparisons



Yearly Comparisons by Department

Dept	2012/2013	2011/12	2010/11	2009/10	2008/09	2007/08
<i>Abbotsford</i>	93	90	105	20	22	26
<i>Central Saanich</i>	9	10	7	9	1	4
<i>CFSEU</i>	1	0	1	0	0	0
<i>Delta</i>	70	66	89	28	25	11
<i>Nelson</i>	7	13	8	3	8	8
<i>New Westminster</i>	63	58	46	28	40	27
<i>Oak Bay</i>	5	3	14	5	3	0
<i>Port Moody</i>	25	24	24	8	6	4
<i>Saanich</i>	64	59	54	42	30	29
<i>SCBCTAPS</i>	71	75	53	25	32	17
<i>Stl'atl'imx</i>	6	1	1	1	0	1
<i>Vancouver</i>	596	544	545	271	205	251
<i>Victoria</i>	154	113	152	110	73	94
<i>West Vancouver</i>	46	41	41	19	16	19
TOTAL:	1,210	1,097	1,140	569	461	491

One Monitor File and two Registered Complaint Files were opened, but were later discovered to involve agencies outside the jurisdiction of the OPCC.

Files Opened in 2012/13 by Type

The OPCC breaks down files into the following categories:

Registered Complaints

are formal complaints by members of the public concerning the conduct of municipal police officers (Division 3). For reporting purposes, Service or Policy (Division 5) files are included in this category.

Non-Registered Complaints

are any oral or written report by a member of the public that raises concerns or questions about the conduct of an officer, but that does not result in the making and registration of a formal complaint. If a non-registered complaint contains allegations of a serious nature, the department may request the Commissioner order an investigation or the Commissioner may order an investigation on his or her own initiative if it is deemed to be in the public interest.

Ordered Investigations

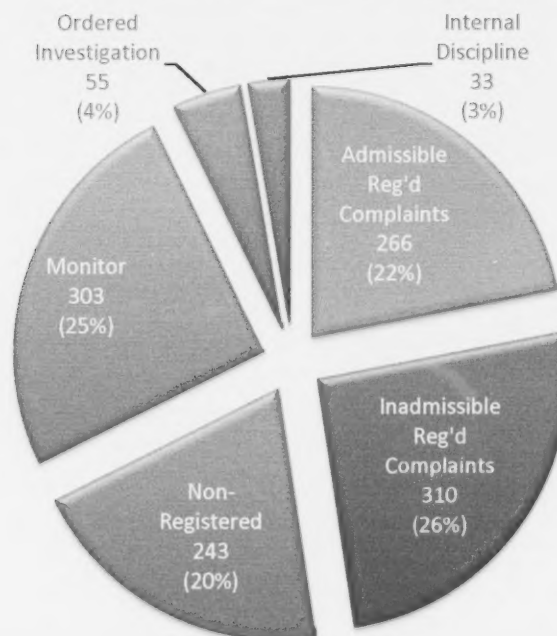
may be ordered by the Police Complaint Commissioner, whether upon the request of a department or as a result of information received from any source that raises concerns about officer misconduct. This also includes mandatory external investigations into serious harm or death incidents pursuant to section 89.

Monitor Files

are opened when information is received by the OPCC from the police, including Reportable Injuries, or other sources such as media reports that *may* require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "Reviewed & Closed".

Internal Discipline

are files concerning the conduct or deportment of a member that is of concern to his/her employer, but does not directly involve or affect the public, and is not the subject of a complaint under Division 3.



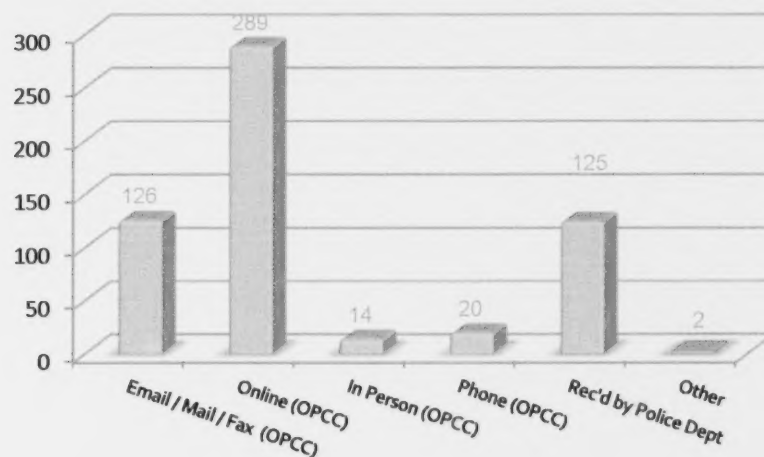
Files Opened in 2012/13 by Department & Category

	TOTAL	Inadmissible Registered	Admissible Registered	Mandatory Investigation	Ordered Investigation (Dept Request)	Ordered Investigation (PCC Initiated)	Monitor	Non-Registered	Internal Discipline
<i>Abbotsford</i>	93	27	24	0	0	2	24	13	3
<i>Central Saanich</i>	9	0	1	0	2	2	1	2	1
<i>CFSEU</i>	1	1	0	0	0	0	0	0	0
<i>Delta</i>	70	14	20	1	6	0	9	17	3
<i>Nelson</i>	7	0	4	0	0	0	3	0	0
<i>New Westminster</i>	63	20	14	0	4	0	16	3	6
<i>Oak Bay</i>	5	3	0	0	0	0	2	0	0
<i>Port Moody</i>	25	2	3	0	0	1	1	15	3
<i>Saanich</i>	64	23	12	0	2	0	9	18	0
<i>SCBCTAPS</i>	71	23	16	0	5	2	22	1	2
<i>Stl'atl'imx</i>	6	1	4	0	0	0	0	0	1
<i>Vancouver</i>	596	133	125	4	10	8	185	126	5
<i>Victoria</i>	154	50	33	0	4	1	24	38	4
<i>West Vancouver</i>	46	13	10	0	1	0	7	10	5
TOTAL:	1,210	310	266	5	34	16	303	243	33

How Registered Complaints were Received in 2012/13

A complaint may be submitted directly to the police department involved, or to the OPCC. Complaints submitted to the OPCC may be made on-line through the OPCC website, by mail, email, fax, telephone or in person. Pursuant to the legislation, ALL persons receiving the complaint must:

- ✓ provide the complainant with any assistance that may be required in making the complaint; and
- ✓ offer information or advice regarding the complaint process.



Admissibility of Registered Complaints Received in 2012/13

The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

In order for a complaint to be deemed admissible, it must:

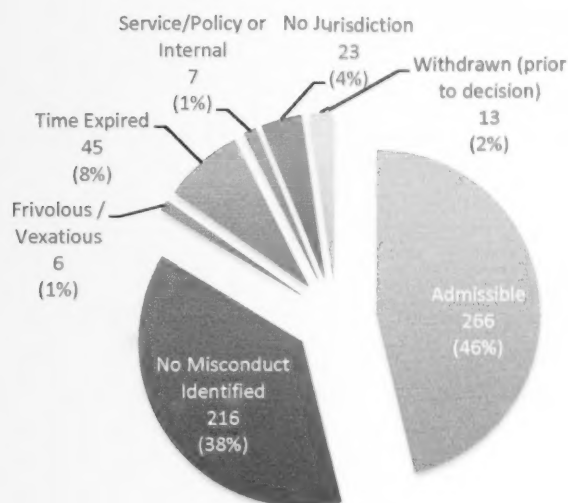
- contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- be filed within one year of when the incident occurred; and
- not be frivolous or vexatious.

A complaint may also be deemed "inadmissible" as a Public Trust complaint, but still be investigated under the *Police Act* under different divisions. If it contains allegations that concern a department's services or policies, it would be processed under Division 5 of the *Act*. If the complaint contains labour/management issues, it would be processed under Division 6 of the *Act*.

A registered complaint must also involve a municipal police department to be under the jurisdiction of the OPCC.



Breakdown of Admissibility Reviews in 2012/13



When conducting an admissibility review, the primary document relied upon is the complaint itself. However, if the information in the complaint is ambiguous or lacking detail or clarity, the analyst contacts the complainant to confirm material aspects of the complaint. If necessary, the analyst also contacts the originating police agency for further information, in order to have context in which to view the allegations and arrive at a principled decision regarding the admissibility of the complaint.

Analysts are careful not to weigh the evidence at this stage, but in exercising their gate-keeping function they must ensure they have considered all the relevant circumstances which provide an accurate context to the matter.

With this important gate-keeping role, OPCC has been able to reduce the number of complaint files that are forwarded to municipal departments, thereby reserving the full investigations for those complaints that truly require and demand an in-depth investigation.

Admissibility Comparisons

	Admissible	Inadmissible			
		No Misconduct Identified	Filed Out of Time	Frivolous/Vexatious	Other ¹
2010/11	338 (52%)	228	42	20	19
2011/12	220 (41%)	241	33	3	39
2012/13	266 (46%)	216	45	6	43

¹ Other refers to complaints that are withdrawn, involve agencies outside the jurisdiction of the OPCC, or complaints processed under Division 5 or 6

Types of Misconduct Alleged

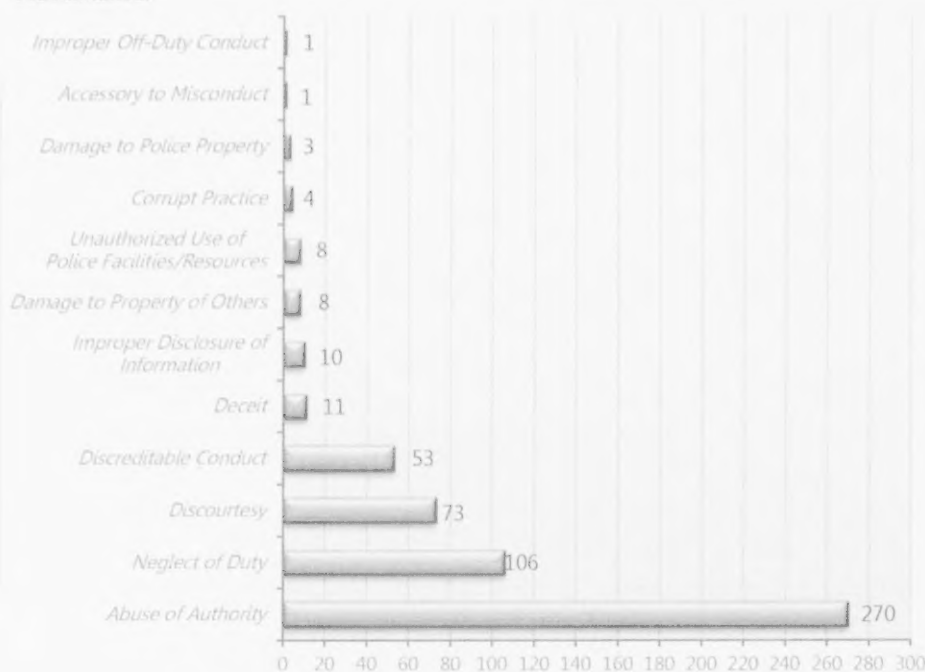
Once a complaint file is deemed admissible or an investigation initiated, the complaint is analyzed and broken down into the individual allegations of misconduct, against individual members. The *Police Act* identifies 13 separate categories of misconduct:

Abuse of Authority	Discreditable Conduct
Accessory to Misconduct	Improper Disclosure of Information
Corrupt Practice	Improper Off Duty Conduct
Damage to Police Property	Improper Use or Care of Firearms
Damage to Property of Others	Misuse of Intoxicants
Deceit	Neglect of Duty
Discourtesy	

The chart below shows the type of misconduct that was alleged in 2012/13. Please note that these are only allegations received and do not reflect whether they were substantiated or not substantiated.

NOTE:

- These are allegations arising from admissible registered complaints and ordered investigations pursuant to Division 3 (Public Trust)
- A single registered complaint or ordered investigation may contain more than one allegation of misconduct.
- "Unauthorized Use of Police Facilities/Resources" is a subsection of "Corrupt Practice". The OPCC distinguishes this as a separate category of misconduct in order to statistically capture more fully misconduct such as unauthorized searches of CPIC or PRIME.



allegations concluded

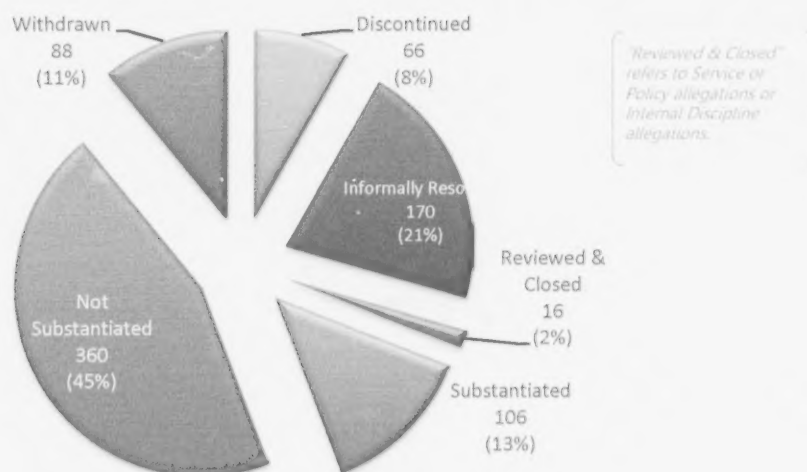
(between April 1, 2012 and March 31, 2013)

The following figures all refer to allegations, not complaint files as in the previous section. As explained in the introduction, a complaint file may contain many allegations of misconduct, involving multiple police members, and have a variety of outcomes. Therefore, straight comparisons to files opened cannot be made with allegations concluded.

Allegations of misconduct against an officer may result in one or more of the following outcomes:

Withdrawn	<i>A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined to be in the public interest to do so.</i>
Informally Resolved	<i>A complaint may be informally resolved pursuant to Division 4 of the Police Act. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 business days in which to change their mind. The OPCC reviews all informal resolutions and if the Commissioner determines it is inappropriate or inadequate, the resolution is set aside and the investigation continues. Under the previous legislation, once an informal resolution was agreed upon by the respondent officer and the complainant, the Commissioner did not have the authority to review the agreement or have it set aside.</i>
Mediated	<i>A complaint may be resolved through mediation, facilitated by a professional mediator. If no agreement can be reached, the investigation continues. Amendments to the legislation provide the Commissioner the authority to direct a Complainant to attend a mediation, and similarly, the Chief Constable may order the member to attend.</i>
Discontinued	<i>The Commissioner may direct an investigation into allegations of misconduct be discontinued if it is determined that further investigation is neither necessary nor reasonably practicable, or if it is found that the complaint is frivolous, vexatious or made knowing the allegations were false. Under the previous legislation, complaints that met any of these criteria were Summarily Dismissed.</i>
Substantiated	<i>Following an investigation, the Discipline Authority determines the allegation is supported by the evidence. The Discipline Authority must then decide on appropriate disciplinary and/or corrective measures to impose. The member may accept the proposed measures at a Prehearing conference, or the matter may proceed to a discipline proceeding. The Commissioner may, if it is in the public interest, arrange for a public hearing or review on the record by a retired judge. The member also has an automatic right to a public hearing or review on the record if the proposed penalty is a reduction in rank or dismissal.</i>
Not Substantiated	<i>Following an investigation, the Discipline Authority determines there is no evidence to support the allegation of misconduct. All decisions are reviewed by the OPCC and if it is determined that it is in the public interest to have the decision reviewed, the Commissioner may appoint a retired judge to conduct a review of the investigation and arrive at a decision.</i>

Allegations Concluded in 2012/2013



Beginning in October 2012, the OPCC began looking deeper into why complainants chose to withdraw their complaints and created the following subcategories:

- Withdrawn – Frustrated with process
- Withdrawn – Loss of interest
- Withdrawn – Satisfied
- Withdrawn – Other

Since October, 66% of the withdrawn complaints were because complainants were satisfied with the actions taken or explanation provided.

Yearly Comparisons of Allegations Concluded

The following figures reflect allegations that were concluded by the OPCC in the fiscal year indicated (April 1st to March 31st).

	Fiscal 2010/11		Fiscal 2011/12		Fiscal 2012/13	
Discontinued	192	19%	115	12%	66	8%
Informally Resolved	113	11%	164	16%	170	21%
Mediated	26	3%	11	1%	0	0%
Reviewed & Closed*	15	1%	10	1%	12	2%
Substantiated	96	9%	108	11%	107	13%
Not Substantiated	479	47%	536	54%	359	45%
Withdrawn	105	10%	51	5%	88	11%
TOTAL Allegations Concluded:	1,026		995		802	

Adjudicative Reviews

Under the previous legislation, there was only one avenue for review – a public hearing. The new *Police Act* offers three avenues of review following a discipline authority's decision:

Appointment of a New Discipline Authority [s.117]	If, on review of the discipline authority's decision, the Police Complaint Commissioner considers that there is a reasonable basis to believe that the decision is incorrect, the Commissioner may appoint a retired judge to act as a new discipline authority, review the matter and make a decision.
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In 2012/13, the Commissioner appointed a retired judge to act as a new discipline authority on **two** complaint files.

Review on the Record [s.141]	<p>The Police Complaint Commissioner may arrange for a review on the record if there is a reasonable basis to believe:</p> <ul style="list-style-type: none">• the Discipline Authority's findings following a discipline proceeding are incorrect;• the corrective and/or disciplinary measures proposed by the discipline authority are not in compliance with the Act; or it is in the public interest to arrange a review on the record.
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A retired judge is appointed as an adjudicator to review the disciplinary decision. Generally, a review on the record is a "paper" review without witnesses being called to testify.

In 2012/13, the Commissioner appointed a retired judge to conduct a review on **one** matter.

Public Hearing [s.143]	<p>The Police Complaint Commissioner may order a matter proceed to a public hearing if it is determined that, in addition to the above considerations:</p> <ul style="list-style-type: none">• it is likely that evidence, other than that admissible in at a Review on the Record, will be necessary to complete a review of the disciplinary decision on a standard of correctness; and• a public hearing of the matter is necessary to preserve or restore public confidence in the investigation of misconduct or the administration of police discipline.
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If the proposed discipline at a discipline proceeding is a reduction in rank or dismissal, the member has an automatic right to either a public hearing or review on the record. Based on the circumstances of the matter, the Commissioner will determine the appropriate process.

A retired judge is appointed as an adjudicator to preside over the hearing.

In 2012/13, the Commissioner ordered **three** public hearings; however, one was cancelled.

All decisions from these three adjudicative avenues are available to the public through the OPCC website at www.opcc.bc.ca. As well, there is a schedule of current public hearings indicating the date and place of the hearings. All public hearings are open to the public.

Summary of Substantiated Allegations
(Concluded between April 1, 2012, and March 31, 2013)

Abbotsford Police Department

<p>While off duty, the member drove his unmarked police surveillance vehicle and caused a motor vehicle accident resulting in damage to the police vehicle. The member later misrepresented the circumstances of a collision with the vehicle.</p> <p>Misconduct: Discreditable Conduct Deceit Date of Incident: April 2011 Ordered Investigation (at request of the department)</p> <p>OPCC File 2011-6336</p>	<p>Discreditable Conduct: 10-day suspension without pay</p> <p>Deceit: Dismissal</p>
<p>The member had conducted an unauthorized search of an individual on police databases and disclosed this information to a third party. During the subsequent investigation, the member made false statements to the investigator.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: November 2009 Registered Complaint</p> <p>OPCC File 2010-5294</p>	<p>Unauthorized Use of Police Facilities/Resources: Written Reprimand</p> <p>Improper Disclosure of Information: Written Reprimand</p> <p>Deceit: Written Reprimand 20-day suspension without pay</p> <p><i>(This was the subject of a s.117 review by a retired judge. Please visit the OPCC website "Adjudications" for a complete copy of the adjudicator's decision)</i></p>
<p>It was reported that the member drove recklessly while transporting a person in the back of his police cruiser.</p> <p>Misconduct: Discreditable Conduct Date of Incident: March 18, 2011 Registered Complaint</p> <p>OPCC File 2011-6238</p>	<p>Written Reprimand</p>
<p>The member was operating a police vehicle for personal reasons while off duty, in contravention of both IHIT and departmental policies.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: January 23, 2012 Internal Discipline</p> <p>OPCC File 2012-7212</p>	<p>The misconduct was substantiated and the member received a "verbal warning".</p>
<p>It was reported that the member failed to adhere to the security access protocol for police and crown records management systems.</p> <p>Misconduct: Neglect of Duty Date of Incident: September 2011 Internal Discipline</p> <p>OPCC File 2012-7328</p>	<p>Verbal Reprimand</p>

Central Saanich Police Service

No substantiated allegations in this reporting period

Organized Crime Agency of British Columbia

No substantiated allegations in this reporting period

Delta Police Department

The member conducted an unauthorized query on a police database.

Misconduct: Unauthorized Use of Police
Facilities/Resources
Date of Incident: April 20, 2010
Ordered Investigation (at the request of the department)

OPCC File 2012-7580

Written Reprimand

On several occasions, the member conducted unauthorized queries on PRIME. It was further discovered the member counseled another member to also conduct an unauthorized search on the police database.

Misconduct: Unauthorized Use of Police
Facilities/Resources
Accessory to Misconduct
Date of Incident: April 2010
Ordered Investigation (at request of the department)

OPCC File 2012-7579

Written Reprimand (x2)

The member conducted queries on the PRIME database for purposes unrelated to his duties as a police officer.

Misconduct: Unauthorized Use of Police
Facilities/Resources
Date of Incident: February to October 2011
Ordered Investigation (at request of the department)

OPCC File 2011-6950

Written Reprimand
Direction to undertake
counseling as required by the
employer

While on duty with the Integrated Road Safety Unit (IRSU) and part of a Speed Enforcement Operation, the member interfered when another IRSU constable was writing a Violation Ticket to an off-duty Delta Police Department member.

Further, the member utilized the Mobile Data Terminal to send a series of messages that were provocative, demeaning, disrespectful and divisive to the workplace.

Misconduct: Discreditable Conduct (x2)
Date of Incident: June 2012

Written Reprimand (x2)

<p>Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7611</p>	
<p>It was reported that members were improperly storing alcohol at work and consuming alcohol while on duty.</p> <p>Misconduct: Misuse of Intoxicants Date of Incident: May 2012 Internal Discipline</p> <p>OPCC File 2012-7533</p>	<p>Verbal Reprimand</p>
<p>While attending a domestic dispute call, the member told the complainant's fiancée that he would like to take her for dinner. The member then pursued a sexual relationship and proceeded to have sex with the Complainant's fiancée while on duty and in uniform at the Complainant's residence and at secure police facility.</p> <p>Misconduct: Discreditable Conduct Neglect of Duty Unauthorized Use of Police Facilities/Resources Date of Incident: July 26, 2010 Registered Complaint</p> <p>OPCC File 2010-5736</p>	<p>Discreditable Conduct: Dismissal</p> <p>Neglect of Duty: Reduction in Rank</p> <p>Unauthorized use of police facilities: 30-day suspension without pay Written Reprimand</p>
<p>It was reported that the members engaged in discriminatory practices in their operational deployment for the Stanley Cup Riots.</p> <p>Misconduct: Discreditable Conduct Date of Incident: June 15, 2011 Internal Discipline</p> <p>OPCC File 2011-6953</p>	<p>Counseling/Treatment</p>
<p>The member's report relating to an impaired driving investigation was contradicted by video evidence prompting the rescinding of a 90-day suspension by the Superintendent of Motor Vehicles. The actions of the member discredited the Delta Police Department.</p> <p>Misconduct: Deceit Discreditable Conduct Date of Incident: November 6, 2010 Ordered Investigation (at request of the department)</p> <p>OPCC File 2011-6162</p>	<p>Deceit: Dismissal</p> <p>Discreditable Conduct: Dismissal</p>

Nelson Police Department

No substantiated allegations in this reporting period

New Westminster Police Department

Officers attended a residence to arrest the owner's grandson on an outstanding warrant. It was determined the following misconduct occurred:

Officer #1: Abuse of Authority – Intentionally or recklessly arrested an individual without good and sufficient cause (x2)

Abuse of Authority – Intentionally or recklessly used unnecessary force on an individual by grabbing him by the neck and dragging him from the room.

Discreditable Conduct - Conducted herself in a manner that discredited the New Westminster Police Department

Deceit - Knowingly made false statements to the Professional Standards investigator.

Officer #2: Abuse of Authority – Intentionally or recklessly arrested an individual without good and sufficient cause

Discreditable Conduct - Conducted himself in a manner that discredited the New Westminster Police Department

Date of Incident: March 23, 2009
Registered Complaint

OPCC File 2009-4584T

Officer #1:
Abuse of Authority:
2-day suspension without pay
(x2) (concurrent)

Discreditable Conduct:
2-day suspension without pay
(concurrent)

Deceit:
5-day suspension without pay
(concurrent)

Officer #2:
Abuse of Authority:
Written Reprimand

Discreditable Conduct:
Written Reprimand

(The Deceit allegation was the subject of a s.117 review by a retired judge and subsequent discipline proceeding. Please visit the OPCC website "Adjudications" for a complete copy of the adjudicator's decision)

The member knowingly associated with a known illegal drug trafficker; possessed and used cocaine; and agreed or allowed himself to be in debt to a known criminal as a result of purchasing illegal controlled substances and failure to pay an outstanding bar tab.

Misconduct: Discreditable Conduct (x2)
Corrupt Practice

Date of Incident: Between January and December 2011
Ordered Investigation (at request of the department)

OPCC File 2011-6447

Discreditable Conduct (x2):
Dismissal

Corrupt Practice:
Dismissal

The member accidentally discharged one round from his service fire arm in the department's men's locker room unloading station.

Misconduct: Improper Use or Care of a Firearm
Date of Incident: August 9, 2012

Advice as to future conduct

Internal Discipline OPCC File 2012-7810	
<p>The member failed to promptly disengage from a vehicle pursuit when the Air One TSH assumed visual contact; and failed to advise the dispatcher of the suspect's violation of traffic control devices and traffic conditions. The member also failed to promptly follow the lawful direction of a supervisor.</p> <p>Misconduct: Neglect of Duty (x2) Date of Incident: April 25, 2012 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2012-7436</p>	Advice as to future conduct (x2)
<p>The member drove the police vehicle into a rock, sustaining minor damages. However, this was the sixth motor vehicle incident in a six-year period, being at fault in four of the prior accidents.</p> <p>Misconduct: Damage to Police Property Date of Incident: June 6, 2012 Internal Discipline</p> <p>OPCC File 2012-7769</p>	Training (1-day driver assessment training as required)
<p>It was reported that the member used a police vehicle for personal purposes without authorization.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: November 10, 2011 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2011-7006</p>	Advice/Future Conduct
<p>It was reported that the member was on duty and operating a police vehicle when he collided with a pillar causing damage to the vehicle and police property.</p> <p>Misconduct: Damage to Police Property Date of Incident: November 2nd, 2011 Internal Discipline</p> <p>OPCC File 2011-7004</p>	Written reprimand

<p>The member failed to attend an interview as ordered by his supervisor.</p> <p>Misconduct: Neglect of Duty Date of Incident: April 27, 2012 Internal Discipline</p> <p>OPCC File 2012-7434</p>	Dismissal
<p>The member attended the New Westminster Police station despite an order from the Chief Constable that he was not to enter the premises.</p> <p>Misconduct: Neglect of Duty Ordered Investigation (at the request of the department)</p> <p>OPCC File 2010-5045T</p>	Dismissal
<p>The member was charged and convicted of assaulting, while off duty, a newspaper delivery person.</p> <p>Misconduct: Improper Off-Duty Conduct Date of Incident: January 21, 2009 Ordered Investigation (at the request of the department)</p> <p>OPCC File 4502-02T</p>	Dismissal
Oak Bay Police Department	
No substantiated allegations in this reporting period	
Port Moody Police Department	
<p>It was reported that the member failed to follow protocol when calibrating the approved screening devices.</p> <p>Misconduct: Neglect of Duty Date of Incident: October 2011 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2011-6868</p>	Verbal Reprimand
Saanich Police Department	
<p>While off duty, a member was given an Immediate Roadside Prohibition for drinking and driving while "off-roading" on an ATV.</p> <p>Misconduct: Discreditable Conduct</p> <p>Date of Incident: July 30, 2011 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2011-6633</p>	Written reprimand

<p>The member made unauthorized queries on police databases.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Registered Complaint</p> <p>OPCC File 2012-7272</p>	<p>1-day suspension without pay</p>
<p>The member queried police databases for purposes unrelated to his duties as a police officer and disclosed that information.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Improper Disclosure of Police Information Date of Incident: January 13, 2012 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2012-7140</p>	<p>Unauthorized Use of Police Facilities/Resources: Written Reprimand</p> <p>Improper Disclosure of Police Information: 2-day suspension without pay</p>
SCBCTAPS (Transit Police)	
<p>The member had arrested the complainant for obstruction and handcuffed her to a rail unattended for 10 - 20 minutes.</p> <p>Misconduct: Abuse of Authority Date of Incident: March 31, 2011 Registered Complaint</p> <p>OPCC File 2011-6287</p>	<p>Written Reprimand</p>
<p>The member had requested a photo be taken of himself with a severely intoxicated male for a purpose unrelated to his duties as a police officer.</p> <p>Misconduct: Discreditable Conduct Date of Incident: April 21, 2012 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2012-7410</p>	<p>Written Reprimand</p>
<p>It was reported that a member contacted the Ops Communication Centre to gain information without authorization regarding a motor vehicle accident.</p> <p>Misconduct: Discreditable Conduct Date of Incident: May 2012 Internal Discipline</p> <p>OPCC File 2012-7684</p>	<p>Written Reprimand</p>

<p>On the Skytrain platform, members were completing a violation ticket when the subject attempted to flee. The subject became combative and the Taser was deployed and the subject was taken into control.</p> <p>Misconduct: Abuse of Authority Date of Incident: September 13, 2007 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2008-4176-06T</p>	<p>2-day suspension without pay</p>
<p>The complainant and the member were involved in a custody battle. It was reported that the member disobeyed a family court order and participated in or actively condoned possible criminal activities. The member failed to take action knowing that cocaine was being purchased from a trafficker. The member failed to act after observing two males smoking crack after leaving a residence and instead solicited their assistance in pushing his car.</p> <p>Misconduct: Discreditable Conduct Neglect of Duty Registered Complaint</p> <p>OPCC File 2010-5791</p>	<p>Discreditable Conduct: 4-day suspension without pay</p> <p>Neglect of Duty: 2-day suspension without pay</p>
<p>During the test phase of the new GPS technology, the member was found to have been driving at a speed that exceeded the 120 km per hour test parameter. Citing a traffic stop as the reason for the speed, the member was in violation of the communication policy for not contacting the communications centre that he was conducting a traffic check, nor did he capture any details on the vehicle or driver.</p> <p>Misconduct: Discreditable Conduct Date of Incident: February 16, 2012 Internal Discipline</p> <p>OPCC File 2012-7226</p>	<p>Verbal Reprimand</p>
<p>It was reported that the member tampered with the spring in his force-issued firearm.</p> <p>Misconduct: N/A or Unknown Date of Incident: August 2011 Internal Discipline</p> <p>OPCC File 2012-7123</p>	<p>Written Reprimand</p>

Vancouver Police Department

While the member was attempting to remove handcuffs from a non-compliant prisoner, he stabbed the male in the forearm with the handcuff key four to six times causing puncture wounds.

Misconduct: Abuse of Authority
Date of Incident: January 3, 2011
Registered Complaint

OPCC File 2011-6007

5-day suspension without pay

(Note: the member resigned prior to the conclusion of the proceedings)

The member breached department policy by ramming a stolen vehicle occupied by three persons. The nature of the crime and the circumstances did not justify the tactic.

Misconduct: Abuse of Authority
Date of Incident: April 27, 2012
Ordered Investigation (Initiated by the Commissioner)

OPCC File 2012-7429

Verbal Reprimand

The member committed a criminal assault and breached a recognizance.

Misconduct: Discreditable Conduct
Date of Incident: July 28, 2009
Ordered Investigation (at the request of the department)

OPCC File 2009-4773T

3-day suspension without pay

The member used excessive force when arresting the complainant. It was reported that the member hit the complainant's head on the car and punched him in the jaw and chest.

Misconduct: Abuse of Authority
Date of Incident: August 26, 2011
Registered Complaint

OPCC File 2011-6719

4-day suspension without pay

It was reported that the member urinated in a private storage locker while on duty.

Misconduct: Damage to Property of Others
Date of Incident: August 8, 2011
Internal Discipline

OPCC File 2011-6723

Verbal Reprimand

<p>The member failed the breathalyzer test and was issued an Immediate Roadside Prohibition.</p> <p>Misconduct: Discreditable Conduct Date of Incident: November 11, 2011 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2011-6938</p>	<p>1-day suspension without pay Verbal Reprimand</p>
<p>The member engaged in a pursuit, drew his firearm and used force on a complainant, but did not appropriately submit and document the incident.</p> <p>Misconduct: Discreditable Conduct Neglect of Duty Date of Incident: May 15, 2011 Registered Complaint</p> <p>OPCC File 2011-7007</p>	<p>Discreditable Conduct: Verbal Reprimand</p> <p>Neglect of Duty: Advice/Future Conduct</p>
<p>The member unlawfully arrested the complainant and took him to jail for being in a state of intoxication in a public place. Further, the member used excessive force while arresting the complainant.</p> <p>Misconduct: Abuse of Authority (Excessive Force – Empty Hand) Abuse of Authority (Unlawful arrest) Date of Incident: May 2, 2009 Registered Complaint</p> <p>OPCC File 2009-4638</p>	<p>Abuse of Authority (Excessive Force – Empty Hand): Advice/Future Conduct</p> <p>Abuse of Authority (Unlawful arrest): Written Reprimand</p>
<p>The member used excessive force when arresting the complainant. It was reported that the member grabbed the complainant by the throat and forced him to the ground.</p> <p>Misconduct: Abuse of Authority Date of Incident: October 8, 2009 Registered Complaint</p> <p>OPCC File 2009-4895-01</p>	<p>Written Reprimand</p>
<p>The member failed to comply with the directions from his supervisor to wait and not enter the suite. As a result, he was not properly equipped and compromised his own and other member's safety.</p> <p>Misconduct: Neglect of Duty Date of Incident: June 20, 2011 Internal Discipline</p> <p>OPCC File 2011-6586</p>	<p>Written warning to comply with supervisor's instructions, be properly equipped for operational duties and comply with accepted police procedures.</p>

<p>The complainant reported that the member elbowed him in the chest and pushed him into a vestibule. The member then applied an arm bar to the complainant's brother.</p> <p>Misconduct: Abuse of Authority (Excessive Force – Empty Hand) Abuse of Authority (Excessive Force – Empty Hand)</p> <p>Date of Incident: August 1, 2011 Registered Complaint</p> <p>OPCC File 2011-6627</p>	<p>Abuse of Authority (Excessive Force – Empty Hand): Training/Re-training (Practical training with a member of the Force Option Training Unit regarding the appropriate use of force and appropriate documentation related to the use of force)</p> <p>Written Reprimand</p> <p>Abuse of Authority (Excessive Force – Empty Hand): Verbal Reprimand</p>
<p>The member intentionally or recklessly used unnecessary force when arresting the complainant when he pinned him to a building using his police vehicle causing the complainant's leg to break.</p> <p>Misconduct: Abuse of Authority Date of Incident: September 27, 2011 Mandatory External Investigation</p> <p>OPCC File 2011-6811</p>	<p>Written Reprimand</p>
<p>14 sworn members were found to have received and sent emails with sexualized, lewd and pornographic images, thereby breaching the department's email and internet policies.</p> <p>Misconduct: Discreditable Conduct Date of Incident: January 1, 2011, to September 15, 2011 Internal Discipline</p> <p>OPCC File 2011-6860 (01 to 14)</p>	<p>Mitigating factors were considered for each individual member including, but not limited to: the seriousness of the misconduct; if it was an isolated incident, or whether the member received previous warnings with regard to such behavior; and the nature of that member's rank. All 14 members received discipline in the form of being banned from entering the promotion process for a period of one year. As well, each member received discipline in the form of a written reprimand, and/or a 1-, 3- or 5-day suspension without pay and transfer.</p>
<p>While in his office, the member accidentally discharged his service firearm.</p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: August 7, 2012 Internal Discipline</p> <p>OPCC File 2012-7788</p>	<p>Advice/Future Conduct</p>

<p>The member accidentally discharged his service firearm.</p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: February 28, 2012 Internal Discipline</p> <p>OPCC File 2012-7168</p>	<p>Advice/Future Conduct</p>
<p>The member's actions and the resulting section 810 Recognizance into which he had entered, discredited the Vancouver Police Department.</p> <p>Misconduct: Discreditable Conduct Date of Incident: May 2010 Ordered Investigation (at the request of the department)</p> <p>OPCC File 2010-5250</p>	<p>Written Reprimand</p>
<p>Victoria Police Department</p>	
<p>The member attempted to evade a parking ticket by using his badge and status as a police officer. The member made inappropriate and suggestive remarks to the Commissionaire.</p> <p>Misconduct: Discreditable Conduct (x2) Date of Incident: October 25, 2012 Registered Complaint</p> <p>OPCC File 2012-8096</p>	<p>Written Reprimand</p>
<p>The member conducted numerous PRIME and CPIC queries unrelated to her official duties. None of the information obtained was used or revealed to anyone in the public.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: December 1, 2011, to May 31, 2012 Internal Discipline</p> <p>OPCC File 2012-7906</p>	<p>Written Reprimand</p>
<p>The member failed to report damage that was sustained to his police vehicle in a timely manner.</p> <p>Misconduct: Damage to Police Property Date of Incident: January 23, 2012 Internal Discipline</p> <p>OPCC File 2012-7531</p>	<p>Written Reprimand</p>
<p>It was found the member, in his capacity as the NCO in charge of the department's Traffic Unit, failed to ensure the licenses and registrations of the motorcycle fleet were in compliance with the requirements of the Motor Vehicle Act their insurer.</p>	<p>Written Reprimand</p>

Misconduct: Discreditable Conduct
Date of Incident: May 2012
Internal Discipline

OPCC File 2012-7904

West Vancouver Police Department

The member harassed a fellow member.

Misconduct: Discreditable Conduct
Date of Incident: Extended period
Internal Discipline

OPCC File 2012-7582

4-day suspension without pay

Work under close supervision
for a period of one year

Reassignment

Completion of a Harassment in
the Workplace program.

The member made inappropriate disparaging comments
about another member to a member of the public.

Misconduct: Discreditable Conduct
Date of Incident: November 2011
Internal Discipline

OPCC File 2011-6923

Advice/Future Conduct

It was reported that the member allowed a member of
the public to wear aspects of his uniform and have
pictures taken which were then posted to a social media
site.

Misconduct: Improper Use or Care of Firearms
Date of Incident: 2012

OPCC File 2012-7313

Advice/Future Conduct
Program/Activity

The member failed to submit evidence he had in his
possession that identified the suspect. The member also
failed to adequately investigate the file.

Misconduct: Discreditable Conduct
Neglect of Duty
Date of Incident: November 2010

OPCC File 2011-6346

Neglect of Duty:
Training/Re-training (Training -
Level 1 & 2 investigators course
at the Justice Institute)
Work Under Close Supervision

Discreditable Conduct:
2-day suspension without pay
Training/Retraining (Undertake
training specifically related to
ethics in policing)

During a pre-employment polygraph examination, the
member disclosed that he had improperly accessed CPIC
and PRIME information, and made inappropriate
disclosures of CPIC and PRIME information.

Misconduct: Improper Disclosure of
Information
Unauthorized Use of Police
Facilities/Resources

Improper Disclosure of
Information:
Program/Activity
Verbal Reprimand

Unauthorized Use of Police
Facilities/Resources:
Program/Activity
Verbal Reprimand

Date of Incident: September 2006 – December 2008

OPCC File 2011-6759

The member, while conducting traffic enforcement, initiated a pursuit of a stolen vehicle in breach of the department's Pursuit Driving Policy and against his supervisor's instructions.

Misconduct: Neglect of Duty
Date of Incident: June 18, 2012
Internal Discipline

OPCC File 2012-7820

Advice as to future conduct